

Message Text

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FOL RPT STATE 18060 ACTION TOKYO 24 DEC.

QUOTE

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E.O. 11652: N/A

TAGS: EAIR, JA, SENV

SUBJECT: CIVAIR - NOISE LEVY

REF : TOKYO 18099 AND 16824

1. INITIATION OF AIRLINE SUIT AND AIRLINES' FEELING
THAT GOJ IS SENSITIVE TO DIPLOMATIC APPROACHES ON NOISE
LEVY ISSUE HAVE LED DEPT TO PROPOSE NEW APPROACH BY
EMBASSY ON THIS SUBJECT, EVEN THOUGH WE HAVE NOT AS YET
DETERMINED WHAT ACTION TO TAKE IF JAPANESE REMAIN
ADAMANT AND SUIT IS UNSUCCESSFUL.

2. STATEMENT IN JAPANESE AIDE-MEMOIRE REGARDING 27
PERCENT OF CURRENT CHARGE IS APPARENTLY BASED ON
INTERPRETATION OF "CURRENT CHARGE" AS "ORDINARY LANDING
CHARGE" RATHER THAN "CURRENT SPECIAL CHARGE" AS WE
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INTENDED. HOWEVER, TO ENSURE THAT TWO SIDES BEGIN FROM

SAME POINT OF DEPARTURE, EMBASSY MAY WISH TO CONFIRM INFORMALLY WITH JAPANESE OUR UNDERSTANDING THAT WEIGHT IS BASIS FOR ABOUT TWO-THIRDS OF SPECIAL CHARGE FOR A 747. ACCORDING TO OUR INFORMATION, 747 PAYS 290 YEN TIMES 323 METRIC TONS, OR 93,670 YEN FOR WEIGHT, AND ONLY 1630 YEN TIMES 113 OR LESS MINUS 83 EPNDB, OR A MAXIMUM OF 48,900 YEN FOR NOISE.

3. ACTION REQUESTED: UNLESS EMBASSY SEES OBJECTION, PLEASE SUBMIT AIDE-MEMOIRE (OR NOTE) TO MFA. TEXT AS FOLLOWS:

THE UNITED STATES GOVERNMENT APPRECIATES RECEIVING THE VIEWS OF THE GOVERNMENT OF JAPAN, BUT IT FEELS THAT ITS OBJECTIONS TO THE RECENTLY IMPOSED SYSTEM OF SPECIAL LANDING CHARGES HAVE NOT BEEN ADEQUATELY ANSWERED. IN VIEW OF THE ACTIVE COURT CASE IN JAPAN, THE FOLLOWING DISCUSSION CONCENTRATES PRIMARILY ON ISSUES NOT RAISED IN THAT CASE.

USER CHARGES, IN INTERNATIONAL PRACTICE AS IN ICAO DISCUSSIONS AND RECOMMENDED GUIDELINES, RELATE TO CHARGES FOR THE USE OF FACILITIES THAT AN AIRCRAFT REQUIRES FOR SAFE AND EFFICIENT OPERATION. IN SUCH CASES ICAO PROVIDES FOR THE POSSIBLE USE OF AIRCRAFT WEIGHT AS A CRITERION, AND INDEED OFTEN, AS FOR RUNWAYS AND PASSENGER FACILITIES, THE COSTS ARE QUITE DIRECTLY RELATED TO AIRCRAFT WEIGHT, SINCE RUNWAYS MUST BE STRONGER AND PASSENGER FACILITIES MORE EXTENSIVE, AS THE AIRPLANE AND ITS CAPACITY BECOME LARGER. (THE U.S. OPPOSES THE USE OF AIRCRAFT WEIGHT AS A CRITERION WHEN COSTS ARE NOT RELATED TO WEIGHT.)

IN THIS PERSPECTIVE, THE SPECIAL LANDING CHARGES ARE NOT A USER CHARGE. THEY ARE INTENDED TO COVER THE COSTS OF NOISE ABATEMENT MEASURES WHICH DO NOT CONTRIBUTE TO SAFE AND EFFICIENT AIRCRAFT OPERATION. MOREOVER, AMONG CURRENTLY OPERATING AIRCRAFT THERE IS NO CONSISTENT RELATIONSHIP BETWEEN AIRCRAFT SIZE AND NOISE PRODUCED. A LARGE AIRCRAFT MAY BE, AND OFTEN IS, QUIETER THAN A SMALLER ONE. THE JAPANESE CIVIL AVIATION BUREAU ITSELF RECOGNIZED THAT THE SPECIAL LANDING CHARGES SHOULD BE RELATED TO LIMITED OFFICIAL USE

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NOISE PRODUCED FOR IT DECIDED THAT CHARGES SHOULD BE IMPOSED ONLY ON JET AIRCRAFT BECAUSE THESE ARE THE PRINCIPAL SOURCE OF NOISE DISTURBANCE. ICAO'S COMMITTEE ON AIRCRAFT NOISE HAS SIMILARLY RECOGNIZED THE PRINCIPLE THAT QUIETER AIRCRAFT SHOULD RECEIVE FAVORED TREATMENT VIS-A-VIS NOISIER ONES, AND HAS NOTED THAT A HIGHLY PRODUCTIVE, E.G. HIGH-CAPACITY, AIRCRAFT IS TO BE FAVORED OVER AN EQUALLY NOISY, BUT LESS PRODUCTIVE ONE.

AT ITS FOURTH MEETING THE COMMITTEE CONCLUDED THAT
"THERE WAS SOME JUSTIFICATION THAT THE REGULATIONS COULD
BE MORE LIBERAL FOR HIGH-TONNAGE AEROPLANES THAN FOR
OTHERS, WHEN DEFINING PARTICULAR NOISE LIMITS" (ICAO
DOC. 9133, CAN/4,1:2.2A). THE REPORT OF WORKING GROUP D
CONTAINED SIMILAR LANGUAGE: "NOISE LIMIT LEVELS SHOULD
BE FIXED BY MODULATING ACOUSTIC REQUIREMENTS ACCORDING

TO THE PRODUCTIVITY OF EACH TYPE OF AEROPLANE, CON-
SIDERING ANNOYANCE AS A HARMFUL BYPRODUCT" (ICAO DOC.
9133, CAN/4,3:2.1.1B(B).

THE SPECIAL LANDING CHARGES HAVE PRECISELY THE OPPOSITE
EFFECT. A BOEING 747, FOR EXAMPLE, IS TO PAY NEARLY
TWICE AS MUCH FOR WEIGHT AS FOR NOISE, I.E., IT IS
HEAVILY PENALIZED FOR BEING PRODUCTIVE. MOREOVER, THE
CHARGES REQUIRE QUIETER JET AIRCRAFT TO PAY FOR NOISE
ABATEMENT MEASURES NEEDED BECAUSE OF THE OPERATION OF
NOISIER JET AIRCRAFT. THIS IS SIMPLY UNFAIR.

THE FOREIGN MINISTRY'S AIDE-MEMOIRE STATES THAT ASSESSING
THE CHARGES ON THE BASIS OF NOISE ALONE "MIGHT IMPAIR
THE BALANCE AMONG THE CARRIERS WHICH EMPLOY VARIOUS
TYPES OF AIRCRAFT". THIS APPEARS TO MEAN THAT JET
OPERATORS SHOULD BE GIVEN NO INCENTIVE TO CHANGE FROM
NOISY TO QUIETER JETS, RATHER THE OPERATORS OF THE
QUIET ONES SHOULD HELP TO PAY FOR MEASURES NEEDED TO
ABATE THE NOISE OF THE NOISY ONES. BUT THAT IS A TAX,
AND THERE IS NO REASON WHY QUIET AIRPLANE OPERATORS
SHOULD PAY IT RATHER THAN OPERATORS OF FARM MACHINERY,
OR HOMEOWNERS, OR THE PUBLIC AT LARGE.

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ONE POSSIBLE ALTERNATIVE WOULD BE TO CHARGE EACH AIRCRAFT
AN EQUITABLE PROPORTION OF THE COSTS OF THOSE MEASURES
OCCASIONED BY ITS NOISE. THUS 747S RATED AT 113 EPNDB
AND ALL AIRCRAFT PRODUCING EQUAL OR GREATER NOISE WOULD
CONTRIBUTE TO THE COST OF NOISE ABATEMENT MEASURES
REQUIRED FOR PROTECTION AGAINST A 113 EPNDB NOISE
SOURCE, BUT ONLY NOISIER AIRCRAFT WOULD BE CHARGED FOR
THE ADDITIONAL COSTS BROUGHT ABOUT BY THEIR OPERATIONS.
ACTUAL NOISE PRODUCED COULD BE ADJUSTED IN CONFORMITY
WITH ICAO'S ANNEX 16 NOISE CERTIFICATION STANDARDS TO
REFLECT PRODUCTIVITY, E.G., AIRCRAFT THE SAME NUMBER OF

EPNDB ABOVE OR BELOW THE CERTIFICATION STANDARD FOR
THEIR WEIGHT WOULD BE TREATED AS EQUALLY NOISY.

THE GOVERNMENT OF THE UNITED STATES APPRECIATES THE
DECISION OF THE GOVERNMENT OF JAPAN NOT TO IMPOSE THE
SPECIAL LANDING CHARGES ON INTERNATIONAL CARRIERS ALL
AT ONCE. THIS IS, HOWEVER, A TEMPORARY ALLEVIATION OF
THE PROBLEM, NOT A SOLUTION.

THE UNITED STATES GOVERNMENT THEREFORE URGES THE
GOVERNMENT OF JAPAN TO SUSPEND THE SPECIAL LANDING
CHARGES UNTIL A BETTER SOLUTION CAN BE FOUND. THE

SUBSTANTIAL BILLS RECENTLY RECEIVED BY U.S. CARRIERS
REEMPHASIZE THE IMPORTANCE OF THIS MATTER.

END TEXT.

4. HAS ICAO BEEN NOTIFIED OF THE SPECIAL LANDING
CHARGES? SISCO

UNQUOTE KISSINGER

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Message Attributes

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Disposition Case Number: n/a
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